

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

This matter comes before the Court on plaintiffs' "Motion for Relief from Case Dismissal." Dkt. # 21. This case has twice been dismissed for failure to timely serve defendants. Plaintiff Carol Shilling maintains that an Assistant United States Attorney, Steven Gibralla, agreed to accept service by mail, that she mailed him a copy of the complaint and summons, but that she was acting pro se and was unaware that she had to file proof of service. She has now retained counsel and seeks to correct any procedural errors that may have occurred.

Plaintiffs' motion is GRANTED. Plaintiffs shall have 90 days from the date of this Order to serve defendants and to file proof of service in the docket. The reopening of the case is based on Ms. Shilling's representations that defendant affirmatively waived formal service and received a copy of the complaint within the limitations period. Nothing in this Order shall preclude defendant from raising all available defenses, including insufficiency of service and/or the statute of limitations.

SECOND ORDER REOPENING CASE AND EXTENDING TIME FOR SERVICE

1 DATED this 21st day of April, 2017.
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Robert S. Lasnik

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Robert S. Lasnik
United States District Judge